

Entered - 8-7-02 - sb  
CL 02L0540 - GWENDOLYN BURNS

CLAIM OF: **SHERRI YOUNG**  
3525 Club Drive #208  
Lawrenceville, Georgia 30044

02-*ℓ*-2053

For damages alleged to have been sustained from a false arrest and sexual battery incident by Atlanta Police on July 26, 2001 at 1810 Howell Mill Road, NE.

THIS ADVERSED REPORT IS  
APPROVED

DEC 02 2002

BY: *Linda K. DiSantis*  
LINDA K. DiSANTIS  
CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL DEC 02 2002

**CERTIFIED**  
DEC 02 2002  
*Rhonda Davenport Johnson*  
MUNICIPAL CLERK

**ADVERSE REPORT**  
COMM: *Public Safety*  
DATE: *11-26-02*  
CHAIR: *Carla Smith*  
*Hugh Street*  
*Very good*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

December 12, 2002

Sherri Young  
3525 Club Drive  
Apartment 208  
Lawrenceville, GA 30044

02-R-2053

Dear Ms. Young:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on December 2, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 02L0540

Date: November 15, 2002

Claimant /Victim SHERRI YOUNG  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 3525 Club Drive, Lawrenceville, Georgia 30044  
Subrogation: \_\_\_\_\_ Claim for damage \$ \_\_\_\_\_ Bodily Injury \$ unspecified  
Date of Notice: 8/01/02 Method: Written, Proper \_\_\_\_\_ Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ Ante Litem (6 Mo.) \_\_\_\_\_  
Date of Occurrence 7/25/01 Place: 1810 Howell Mill Road, NE  
Department POLICE Division \_\_\_\_\_  
Employee involved B. D. Burns Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that she was falsely arrested by the above-named officer and the Police Department failed to notify and obtain proper guardianship for her minor child who was left unattended immediately after her arrest. She further alleges that she was sexually assaulted by Officer Burns subsequent to her arrest. However, the claimant failed to comply with the requirements of notice as the six month statute of limitations expired prior to the City's receipt of her claim. Furthermore, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. §36-33-3.

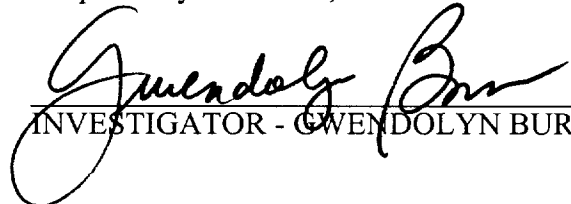
**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

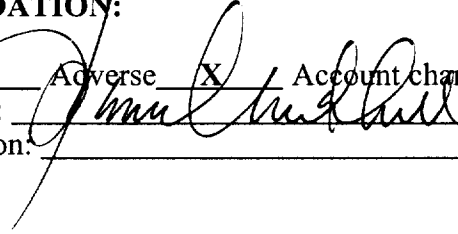
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months X Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 11-15-02  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4251  
12/02/02  
2:31 PM

Atlanta City Council

## Regular Session

CONSENT I                Pgs. 1-22; Except 02-O-2096;02-R-2094  
                                02-R-2114; 02-R-2118  
                                ADOPT

YEAS:	9
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	7
EXCUSED:	0
ABSENT	0

NV Smith	Y Archibong	Y Moore	Y Mitchell
NV Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	NV Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

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**12/02/02 Council Meeting**

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**ITEMS ADOPTED ON CONSENT****AGENDA**

- |               |               |               |
|---------------|---------------|---------------|
| 1. 02-O-1925  | 31. 02-O-1920 | 62. 02-R-2104 |
| 2. 02-O-1926  | 32. 02-O-1921 | 63. 02-R-2112 |
| 3. 02-O-1927  | 33. 02-O-2001 | 64. 02-R-2113 |
| 4. 02-O-1928  | 34. 02-O-2097 | 65. 02-R-2115 |
| 5. 02-O-1929  | 35. 02-O-2098 | 66. 02-R-2116 |
| 6. 02-O-1969  | 36. 02-O-2099 | 67. 02-R-2117 |
| 7. 02-O-1976  | 37. 02-O-2100 | 68. 02-R-2125 |
| 8. 02-O-2095  | 38. 02-R-1593 | 69. 02-R-2126 |
| 9. 02-O-1998  | 39. 02-R-1848 | 70. 02-R-2016 |
| 10. 02-O-1892 | 40. 02-R-1849 | 71. 02-R-2017 |
| 11. 02-O-1903 | 41. 02-R-1850 | 72. 02-R-2018 |
| 12. 02-O-1907 | 42. 02-R-1985 | 73. 02-R-2019 |
| 13. 02-O-1139 | 43. 02-R-2003 | 74. 02-R-2022 |
| 14. 02-O-1292 | 44. 02-R-2004 | 75. 02-R-2060 |
| 15. 02-O-1913 | 45. 02-R-2009 | 76. 02-R-2061 |
| 16. 02-O-1930 | 46. 02-R-2010 | 77. 02-R-2062 |
| 17. 02-O-2103 | 47. 02-R-2011 | 78. 02-R-2069 |
| 18. 02-O-1922 | 48. 02-R-2012 | 79. 02-R-2072 |
| 19. 02-O-1923 | 49. 02-R-2013 | 80. 02-R-2074 |
| 20. 02-O-2091 | 50. 02-R-2014 | 81. 02-R-2122 |
| 21. 02-O-2092 | 51. 02-R-2057 | 82. 02-R-2023 |
| 22. 02-O-2105 | 52. 02-R-2058 | 83. 02-R-2064 |
| 23. 02-O-1396 | 53. 02-R-2073 | 84. 02-R-2065 |
| 24. 02-O-1792 | 54. 02-R-2015 | 85. 02-R-2066 |
| 25. 02-O-1914 | 55. 02-R-2059 | 86. 02-R-2070 |
| 26. 02-O-1915 | 56. 02-R-1216 | 87. 02-R-2028 |
| 27. 02-O-1916 | 57. 02-R-2119 | 88. 02-R-2029 |
| 28. 02-O-1917 | 58. 02-R-2123 | 89. 02-R-2030 |
| 29. 02-O-1918 | 59. 02-R-2055 | 90. 02-R-2031 |
| 30. 02-O-1919 | 60. 02-R-2063 | 91. 02-R-2032 |

92. 02-R-2033

93. 02-R-2034

94. 02-R-2035

95. 02-R-2036

96. 02-R-2037

**ITEMS ADVERSED ON CONSENT****AGENDA**

- |                |                |
|----------------|----------------|
| 97. 02-R-2027  | 107. 02-R-2047 |
| 98. 02-R-2038  | 108. 02-R-2048 |
| 99. 02-R-2039  | 109. 02-R-2049 |
| 100. 02-R-2040 | 110. 02-R-2050 |
| 101. 02-R-2041 | 111. 02-R-2051 |
| 102. 02-R-2042 | 112. 02-R-2052 |
| 103. 02-R-2043 | 113. 02-R-2053 |
| 104. 02-R-2044 | 114. 02-R-2054 |
| 105. 02-R-2045 |                |
| 106. 02-R-2046 |                |

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Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)

Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118